

Reconsideration and withdrawal of the requirement for election of species is respectfully requested in view of the remarks which follow:

## **RESTRICTION REQUIREMENT**

The Examiner has required Applicant under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, the Examiner states that claim 21 is generic.

The species are indicated in the Office Action to be the following:

Group I: depth adjustment mechanism at the proximal side of the device:

- Species 1: Fig. 3A-3D (thread connection between 72 and 74).
- Species 2: Fig. 9 (grooves 78 and protruding element/nipple 76).
- Species 3: Fig. 10 (spring 84, protrusion 82 and holes 86).
- Species 4: Fig. 11 (grooves 90 and ridges 98).
- Species 5: Fig. 12-13 (leaf spring 104 and grooves 100).
- Species 6: Fig. 19 (screw 152 in cavity of element 38).
- Species 7: Fig. 20 (turn key 168 engaging element 164).

Group II: depth adjustment mechanism at the distal end of the device:

- Species 8: Fig. 7-8 (stop/peg 28" and slot 33', no adjustment mechanism shown).
- Species 9: Fig. 14 (thread connection between 20A and 20B).
- Species 10: Fig. 15 (spring 120, spacer 178: no adjustment mechanism shown).
- Species 11: Fig. 16 (thread connection between 20A and 20C).
- Species 12: Fig. 17 (adjustment mechanism including finger 136 and stopper 134).
- Species 13: Fig. 18 (adjustment mechanism including finger 142 and stopper 140).

## **ELECTION**

In order to be responsive to the requirement for election of species, Applicant elects the species 11, Fig. 16 including the embodiment for adjusting the length of the housing disclosed therein in the same manner as previously elected by Applicant. Applicant respectfully submits that at least claim 21 is generic, and requests that each of the pending claims be examined with the elected species as including embodiments thereof.

## **TRAVERSE**

Notwithstanding the election of the species 11, Applicant respectfully traverses the requirement.

As to the merits of the requirement for election of species, the requirement is traversed since there would not appear to be a serious burden to examine Applicant's application in total, and for which the appropriate claim fees have been paid. Applicant submits that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the above-identified application, should be made in order to do a complete and thorough search of the generically claimed invention.

In view of the foregoing, it is respectfully requested that the Examiner seriously reconsider the requirement for restriction and election of species, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application. If the Examiner deems that any claims should not be examinable with the elected species, such claims should be rejoined upon allowance of one or more generic claims.

CONCLUSION

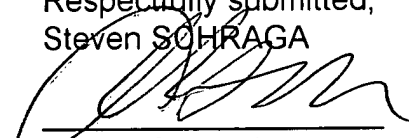
For the reasons discussed above, it is respectfully submitted that the election of species is improper and should be withdrawn.

Withdrawal of the requirement for election of species with the examination of all claims pending in this application is respectfully requested.

Favorable consideration with early allowance of the pending claims is most earnestly requested.

If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,  
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